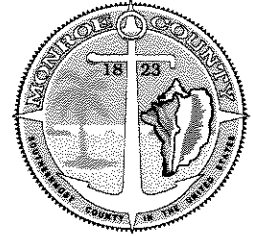



MEMORANDUM
MONROE COUNTY PLANNING DEPARTMENT
We strive to be caring, professional and fair



To: Development Review Committee

Date: November 27, 2006

Meeting: December 5, 2006

From: Joseph Haberman, Planner 
Andrew Trivette, Sr. Administrator, Environmental Projects

Through: Aref Joulani, Sr. Director of Planning & Environmental Resources
Ralph Goulidy, Sr. Administrator, Environmental Resources

RE: *Request for an Amendment to a Major Conditional Use by Key West Harbour Development, located at 6000 Peninsula Avenue, Stock Island*

I REQUEST:

A. Proposal:

The Applicant is requesting an Amendment to a Major Conditional Use in order to redevelop the existing Peninsular Marine property.

The development proposal includes the construction of three (3) boat barns, which would provide space for up to 475 dry boat storage racks; one (1) multi-use building, which would contain a private ship's store and four (4) affordable housing dwelling units; one (1) private club house, which would contain dining facilities and other amenities for members of the marina; and three (3) attached market-rate dwelling units. None of the existing structures on the property will be retained.

B. Location:

1. Island & Mile Marker: Stock Island, Mile Marker 5
2. Address/ Common address: 6000 Peninsula Avenue
3. Legal Description: Lots 5, 6 & 7, Square 61, Maloney Sub
4. Real Estate Numbers: 00127470.000000; 00127480.000000 & 00127480.000100

C. Applicant:

1. Owner: Key West Marina Investments LLC
2. Agents: David Paul Horan, P.A. & Owen Trepanier

1 II PROCESS:

2
3 The subject property was being used a marina prior to the adoption of the current Land
4 Development Regulations in 1986. Pursuant to MCC Sec. 9.5-2(c), the site is deemed to
5 have a major conditional use permit.

6
7 Pursuant to Sec. 9.5-69 of the Monroe County Code (MCC), an application for a major
8 conditional use permit shall be reviewed by the Development Review Committee
9 (DRC). Following the review, the DRC shall forward a report and recommendation on
10 the application to the Planning Commission.

11
12 The Planning Commission shall hold a public hearing on the application and thereafter
13 issue a development order granting, granting with conditions or denying the
14 application.

15
16 III PRIOR COUNTY ACTIONS:

17
18 On March 9, 2006, a pre-application conference involving Monroe County Staff and the
19 Applicant was held to discuss the redevelopment and how the project could remain in
20 compliance with the Monroe County Code. Based on the dialogue of the conference, a
21 Letter of Understanding (LOU) was sent to the Applicant on May 17, 2006.

22
23 As of the date of this report, Staff is in the process of completing a Letter of
24 Development Rights Determination (LDRD) for the property.

25
26 IV BACKGROUND INFORMATION:

27
28 A. Size of Site: 570,461 ft² (13.1 acres) of upland area and 824,641 ft² (18.9 acres) of
29 submerged land (source: 2005 boundary survey by Frederick H. Hildebrandt)

30
31 B. Land Use District: Mixed Use (MU)

32
33 C. Future Land Use Map (FLUM) Designation: Mixed Use / Commercial (MC)

34
35 D. Proposed Tier Designation: Tier III

36
37 E. Existing Use:

38
39 Currently, the subject property is developed as a marina. Land uses include light
40 industrial (enclosed nonresidential storage and boat repair), commercial retail, office
41 and residential. At present, there are six (6) buildings, two (2) mobile homes, and
42 several accessory structures on the property.

43
44 A large portion of the property is devoted to outdoor nonresidential storage, which
45 consists primarily of boats and associated marine equipment. To accommodate the

1 storage use and parking, most of the land area has been either paved or surfaced
2 with gravel. There are also 55 existing wet slips, many of which are being occupied
3 by live-aboard vessels.
4

5 As a note, Staff is in the process of determining the amount of nonresidential floor
6 area and the number of residential dwelling units that were lawfully-established.
7

8 F. Existing Vegetation / Habitat: Existing vegetation consists of mangrove areas along
9 some shorelines.
10

11 G. Community Character of Immediate Vicinity:
12

13 The community character of the immediate vicinity is derived from a mixture of land
14 uses, including commercial retail, office, light industrial and residential. In addition,
15 there are other mixed-use marinas nearby, including Kings Pointe Marina.
16

17 The location of the subject property on a peninsula along the southern shoreline of
18 Stock Island leads to a majority of the property being surrounded by open water. As
19 a result, there is only one contiguous property under separate ownership. The
20 contiguous property, located to the West and owned by the federal government, is
21 developed with a communications facility.
22

23 V REVIEW OF APPLICATION:
24

25 Pursuant to MCC Sec. 9.5-248, in the MU District, marinas may only be permitted with
26 major conditional use approval.
27

28 MCC Sec. 9.5-65 provides the standards which are applicable to all conditional uses.
29 When considering applications for a conditional use permit, the Development Review
30 Committee shall consider the extent to which:
31

32 A. *The conditional use is consistent with the purposes, goals, objectives and standards of the*
33 *comprehensive plan and the land development regulations;*
34

35 The proposed major conditional use amendment is consistent with the purposes,
36 goals, objectives and standards of the MU District and MC future land use category
37 designation.
38

39 Policies from Monroe County Year 2010 Comprehensive Plan that directly pertain to
40 the subject property include:
41

- 42 1. Policy 502.1.1: Monroe County shall permit only port and port related land uses
43 within the Safe Harbor/Peninsular port area of Stock Island.
44

1 2. Policy 502.1.2: Monroe County shall permit land uses supportive,
2 complementary or otherwise port related nearby and adjacent to the Safe
3 Harbor/Peninsular port area of Stock Island.
4

5 B. *The conditional use is consistent with the community character of the immediate vicinity;*
6

7 A marina has existed on the subject property for over forty years and the proposed
8 redevelopment would be consistent with the community character of the immediate
9 vicinity. A mixed-use marina would be compatible with neighboring properties, an
10 area which is also composed of a mixture of marina, commercial retail, office, light
11 industrial and residential uses.
12

13 C. *The design of the proposed development minimizes adverse effects, including visual impacts,*
14 *on adjacent properties;*
15

16 The proposed boat barns will be built in area which has several existing, large
17 commercial/light industrial structures. As a result, the proposed structures will be
18 consistent with the scale of neighboring structures.
19

20 In addition, the Applicant is proposing to construct all of buildings using
21 architectural features that provide visual interest. Similar design guidelines and
22 materials are proposed for the buildings, which will make the development
23 cohesive. Further, variations in façade elements by means of material, texture and
24 color will be used to reduce the apparent mass of the boat barns.
25

26 D. *The proposed use will have an adverse impact on the value of surrounding properties;*
27

28 It is not anticipated that the proposed redevelopment will have an adverse impact on
29 the value of the surrounding properties. For the most part, the subject property is
30 isolated from surrounding properties because of its location on a peninsula. The
31 only contiguous property is occupied by a federally-owned communications facility.
32

33 E. *The adequacy of public facilities and services;*
34

35 1. Roads:

36 a. Localized impacts and access management: The site plan by CES indicates
37 that the existing access drive into the site will be reconfigured to
38 accommodate the construction of the northernmost boat barn. In addition, a
39 new fire access drive (on sod and restricted to emergency vehicles) will be
40 created along the Western property line. The reconfigured access drive and
41 any new curb cuts require approval from the County Engineer.
42

43 b. Level of Service (LOS): A preliminary traffic impact assessment report was
44 prepared by Transport Analysis Professionals, Inc. (TAP), and was reviewed
45 by the County Traffic Consultant. However, the County Traffic Consultant

has determined the submitted report was not sufficient and has requested that the Applicant provide a Level III traffic study to meet the county's traffic impact reporting requirements and a site plan showing clear site triangles and vehicle maneuverability. The requested Level III traffic study's findings must be approved by the County Traffic Consultant.

2. Stormwater: The Applicant shall coordinate with the County Engineer to determine compliance with MCC Sec. 9.5-293.

3. Sewer: The Applicant shall coordinate with Key West Resort Utility, as well as the Florida Department of Health to determine compliance with MCC Sec. 9.5-294.

4. Emergency Management: The Applicant shall coordinate with the Fire Marshall to determine compliance with the fire code. As of the date of this report, the Assistant Fire Marshall has conceptually reviewed the project and is in the process of completing a Letter of Coordination.

F. *The applicant has the financial and technical capacity to complete the development as proposed;*

Staff has no evidence to support or disprove the applicant's financial and technical capacity.

G. *The development will adversely affect a known archaeological, historical or cultural resource;*

The development will not adversely affect a known archaeological, historical or cultural resource.

H. *Public access to public beaches and other waterfront areas is preserved as part of the proposed development;*

According to the Applicant's Community Impact Assessment Statement, public access to the waterfront does not currently exist on the subject property. Only customers are provided with access. This assertion is supported by the 1993 Monroe County Marina Survey which indicates that Peninsular Marine was a private marina with client and member access only.

The proposed redevelopment will also be private and gated, accessible only to clients. However, as part of the redevelopment proposal, the Applicant has proposed to construct a public access point to the waterfront, in the form of either a boat ramp or dock. A pump-out facility and other amenities would also be provided. The public access would take place where Peninsular Avenue ends at the Northeastern section of the subject property, outside of the gated development.

1 This proposal would be consistent with Goal 6 of the Stock Island and Key Haven
2 Livable CommuniKeys Plan concerning the provision and improvement Waterfront
3 Access.
4

5 I. *The project complies with all additional standards imposed on it by the Land Development*
6 *Regulations;*
7

- 8 1. Residential Rate of Growth Ordinance (ROGO) (§9.5-120): *Compliance to be*
9 *determined by Planning & Environmental Resources Department upon completion of*
10 *development rights determination.*
11

12 The three (3) proposed market-rate residential dwelling units and four (4)
13 proposed affordable dwelling units require three (3) market-rate ROGO
14 allocations and four (4) affordable ROGO allocations.
15

16 Fifty (50) transient units, in the form of live-aboards, are also proposed.
17 Pursuant to MCC Sec. 9.5-120.5, there is a moratorium on creating new transient
18 units (the moratorium expires on December 31, 2006; however, it may be
19 extended). Staff understands that Applicant is anticipating that at least 50 live-
20 aboard vessels will be found to be lawfully-established on the property.
21 However, if this is not that case, density permitting, the applicant must either
22 decrease the number of proposed live-aboards to equal the number of lawfully-
23 established live-aboards or transfer in transient ROGO exemptions from another
24 site.
25

26 There are existing market-rate dwelling units and live-aboard vessels on the
27 property. Density permitting, the number of existing dwelling units found to be
28 lawfully-established may be rebuilt and the number of live-aboard vessels found
29 to be lawfully-established may be replaced without going through the ROGO
30 allocation system. Any additional dwelling units will have to be acquired and
31 allocated through the ROGO allocation system.
32

- 33 2. Non-Residential Rate of Growth Ordinance (NROGO) (§9.5-124): *Compliance to be*
34 *determined by Planning & Environmental Resources Department upon completion of*
35 *development rights determination.*
36

37 The Applicant is proposing to construct 151,874 ft² of nonresidential floor area:
38

BUILDING	PROPOSED FLOOR AREA
Boat Barn 1	104,249 ft ²
Boat Barn 2	27,500 ft ²
Boat Barn 3	10,640 ft ²
Ship Store	1,242 ft ²
Clubhouse	8,243 ft ²
TOTAL	151,874 ft²

39 Source: Site Plan by CES & Floor Plans by Fisher and Associates
40

Pursuant to MCC Sec. 9.5-124(b), nonresidential floor area means the sum of the gross floor area for a nonresidential structure as defined in MCC Sec. 9.5-4, any areas used for the provision of food and beverage services and seating whether covered or uncovered, and all covered, unenclosed areas except for walkways, stairways, entryways, parking and loading. Nonresidential floor area is not space occupied by transient residential and institutional residential principal uses.

As of the date of this report, boat barns are considered a light industrial use and pursuant to MCC Sec. 9.5-124.2 are subject to the NROGO. As a note, the Applicant is awaiting the approval and adoption of a text amendment (Ordinance 037-2006) that would exempt the floor area of some boat barns from the NROGO allocation system.

There is existing nonresidential floor area on the property. Density permitting, the amount of existing nonresidential floor area found to be lawfully-established may be rebuilt without going through the NROGO allocation system. Any additional nonresidential floor area will have to be acquired and allocated through the NROGO allocation system.

3. Purpose of the District (§9.5-219): *In compliance.*

The purpose of the MU District is to establish or conserve areas of mixed uses, including commercial fishing, resorts, residential, institutional and commercial uses, and preserve these as areas representative of the character, economy and cultural history of the Florida Keys.

4. Permitted Uses (§9.5-248): *In compliance if major conditional use approval is granted by the Planning Commission.*

In the MU District, marinas are permitted with major conditional use approval provided that a) the parcel proposed for development has access to water at least four (4) feet below the mean sea level at mean low tide; b) the sale of goods and services is limited to fuel, food, boating, diving and sport fishing products; c) all outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six (6) feet in height; and d) the parcel proposed for development is separated from any established residential use by a class C buffer-yard.

5. Air Installation Compatible Use Zone (AICUZ) Overlay (§9.5-260): *Compliance to be determined upon submittal to Building Department.*

The Applicant's redevelopment proposal indicates that measures will be taken to utilize design features that will meet or exceed those required to reduce noise impacts. The Applicant has requested a letter of coordination from the United States Naval Air Facility.

6. Affordable and Employee Housing (§9.5-266): *In compliance.*

Pursuant to MCC §9.5-266(b)(2), residential developments that result in the development or redevelopment of three or more dwelling units on a parcel or contiguous parcels shall be required to develop or redevelop at least 30 percent of the residential units as affordable housing units.

The Applicant's redevelopment proposal includes the construction of four affordable housing units.

7. Residential Density and Maximum Floor Area Ratio (§9.5-262, §9.5-267 & §9.5-269): *Not in compliance.*

The Applicant's redevelopment proposal involves the following uses:

BUILDING	PROPOSED FLOOR AREA / UNITS	LAND USE
Boat Barn 1	104,249 ft ²	Light Industry
Boat Barn 2	27,500 ft ²	Light Industry
Boat Barn 3	10,640 ft ²	Light Industry
Ship Store	1,242 ft ²	Commercial Retail
Clubhouse	8,243 ft ²	Commercial Retail
Employee Housing	4 units	Affordable Housing
Market-Rate Housing	3 units	Permanent Residential
Live-Aboard Vessels	50 vessels	Transient Residential

Since permanent dwelling units existed on the subject property prior to 1986, the site is deemed to have maximum net density for the permanent residential use. Pursuant to MCC Sec. 9.5-262, in the MU District, for market-rate housing, the maximum net density is 12 dwelling units per buildable acre. For affordable housing, in the MU District, the maximum net density is 18 dwelling units per buildable acre.

Pursuant to MCC Sec. 9.5-308, live-aboards shall be counted as dwelling units when calculating density. Based on the Applicant's statement that live-aboard units will be used transiently on the site, the live-aboards will be calculated as transient residential units. Pursuant to MCC Sec. 9.5-267, in the MU District, the allocated density for transient is 10 dwelling units per acre. However, the maximum net density of 15 dwelling units per acre may be achieved through the transferable development right (TDR) process.

Since the marina will be private, it is assumed that the ship store and clubhouse will be low intensity commercial retail. This must be confirmed by the County Traffic Consultant. Pursuant to MCC Sec. 9.5-269, in the MU District, the maximum floor area ratio (FAR) for low intensity commercial uses is 0.35 or 35 percent.

As of the date of this report, boat barns are considered a light industrial use and pursuant to MCC Sec. 9.5-269 are subject to FAR. In the MU District, the maximum FAR for light industry uses is 0.30 or 30 percent. As a note, if adopted, the proposed boat barn text amendment (Ordinance 037-2006) will exempt enclosed boat storage from being counted in the FAR; however, only up to 50 percent of the buildable area.

The Applicant's redevelopment proposal is subject to the following density calculations:

LAND USE	FAR / DENSITY	SIZE OF SITE	MAX ALLOWED	PROPOSED	DEV. POTENTIAL USED
Light Industry	0.30 FAR	570,461 ft ²	171,138 ft ²	142,389 ft ²	83.20 %
Commercial Retail	0.35 FAR	570,461 ft ²	199,661 ft ²	9,485 ft ²	4.75 %
Residential (Market-Rate)	12 DU/ buildable acre*	13.1 acres 10.5 (buildable)	126 units	3 units	2.38 %
Residential (Affordable)	18 DU/ buildable acre*	13.1 acres (10.5 buildable)	189 units	4 units	2.12 %
Residential (Live-Aboards)	10 DU/ acre	13.1 acres	131 vessels	50 vessels	38.17 %
TOTAL					130.62 %

* The site is deemed to have maximum net density for the permanent residential uses only

As proposed, the redevelopment would lead to the site exceeding its allowed development potential by 30.62 percent. If the boat barn text amendment is adopted without any changes, redevelopment proposal would be subject to the following density calculations:

LAND USE	FAR / DENSITY	SIZE OF SITE	MAX ALLOWED	PROPOSED	DEV. POTENTIAL USED
Light Industry	0.30 FAR	570,461 ft ²	171,138 ft ²	142,389 ft ²	83.20 %
<i>Discounted FAR per Ordinance 037-2006</i>					-33.20 %
Commercial Retail	0.35 FAR	570,461 ft ²	199,661 ft ²	9,485 ft ²	4.75 %
Residential (Market-Rate)	12 DU/ buildable acre*	13.1 acres 10.5 (buildable)	126 units	3 units	2.38 %
Residential (Affordable)	18 DU/ buildable acre*	13.1 acres (10.5 buildable)	189 units	4 units	2.12 %
Residential (Live-Aboards)	10 DU/ acre	13.1 acres	131 vessels	50 vessels	38.17 %
TOTAL					80.62 %

* The site is deemed to have maximum net density for the permanent residential uses only

8. Required Open Space (§9.5-269 & §9.5-347): *Compliance to be determined by Planning & Environmental Resources Department upon submittal of a revised site plan.*

1
2 In the MU District, there is a required open space ratio of 0.20. Therefore, at least
3 20 percent of the site must remain open space. Open space means the portion of
4 any parcel of land or water which is required to be maintained such that the area
5 within its boundaries is open and unobstructed from the ground to the sky.
6

7 The subject property consists of 570,461 ft² (13.1 acres) of upland area. Therefore,
8 the amount of open space required is 114,092 ft² (2.6 acres).
9

10 The site plan by CES indicates that 21 percent of the site will remain open space.
11 However, a different gross area of 657,922 ft² is utilized in their calculations.
12

13 It appears that at least 114,092 ft² or 20 percent of the site will meet the definition
14 of open space. However, Staff will need to review a revised site plan that
15 provides a total of how much land area will be developed, including all paved
16 areas.
17

18 9. Minimum Yards (§9.5-281): *In compliance.*
19

20 No structure or land shall be developed, used or occupied except in accordance
21 with the bulk regulations. The required non-shoreline setbacks for a marina use
22 in the MU District are as follows: Front yard – 15 feet; Rear yard – 10 feet; and
23 Side yard – 10/15 feet (where 10 feet is the required side yard for one side and 15
24 feet is the minimum combined total of both side yards).
25

26 The subject property has only two non-shoreline setbacks, along the property
27 line to the North, considered a front yard, and along the property line to the
28 West, considered a side yard. The rest of the site is surrounded by open water
29 and is subject to the shoreline setback requirements.
30

31 The site plan by CES indicates that the northernmost 104,249 ft² boat barn will be
32 setback 25 feet from the northern property line and 40 feet from the western
33 property line. In addition, a paved public access lane will be located 15 feet from
34 the northern property line (with the exception of a segment that runs through the
35 required setback, but is necessary for access from Peninsular Avenue) and an
36 unpaved fire access lane will be located 10 feet from the western property line.
37

38 10. Maximum Height (§9.5-283): *In compliance.*
39

40 No structure or building shall be developed that exceeds a maximum height of
41 35 feet.
42

43 11. Surface Water Management Criteria (§9.5-293): *Compliance to be determined by*
44 *South Florida Water Management District.*
45

1

SPECIFIC USE	MULTIPLIER	PROPOSED	REQUIRED SPACES
Multi-Family Dwelling Unit	1.5 spaces / unit	7 units	10.5 spaces
Commercial Retail	3 spaces / 1,000 ft ²	9,485 ft ²	28.46 spaces
Live-Aboards	1.5 spaces / berth	50 vessels	75.00 spaces
Marinas	1.0 space / berth	50 berths*	50.00 spaces
Marinas	1.0 space / 4 dry racks	475 dry racks	118.75 spaces
TOTAL			282.71 spaces

* There are 100 proposed wet slips; however 50 are proposed to remain live-aboards

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The site plan by CES indicates that 177 off-street parking spaces will be provided. This is 106 spaces short of the 283 spaces required, or 37 percent.

Using the Shared-Parking option, the Applicant's redevelopment proposal would be subject to the following off-street parking requirements:

SPECIFIC USE	NIGHTTIME	WEEKDAY		WEEKEND	
	12AM-6AM	9AM-4PM	6PM-12AM	9AM-4PM	6PM-12AM
Marinas (168.75 spaces)	8.4	118.1	16.9	168.8	33.6
Residential (85.5 spaces)	85.5	51.3	77.0	68.4	77.0
Commercial Retail (28.46 spaces)	1.4	17.1	25.6	28.5	19.9
TOTAL	95.3	186.5	119.4	265.6	130.6

10

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Under the shared-parking calculation, the required parking for the proposed redevelopment would be 265 spaces. The 177 spaces proposed would be 88 spaces short of the 265 required, or 33 percent.

As a note, boat ramps require 6.0 off-street parking spaces per ramp (being a minimum of 14 feet by 55 feet) to accommodate trailers and oversized vehicles. Since it has not been determined if the public access to the waterfront would take the form of a boat ramp or dock, no parking requirements for the ramp were included in the above analysis.

21

22

23

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19. Required Loading and Unloading Spaces (§9.5-354): *In compliance.*

All nonresidential uses with over 50,000 ft² of floor area require two loading and unloading spaces, measuring 11 feet by 55 feet.

20. Required Landscaping (§9.5-361): *Compliance to be determined by Planning & Environmental Resources Department upon submittal of a revised landscape plan.*

Any development including more than six parking spaces shall provide parking lot landscaping.

1
2 21. Required Buffer-yards (§9.5-378 & §9.5-379): *Compliance to be determined by*
3 *Planning & Environmental Resources Department upon submittal of a revised landscape*
4 *plan.*

5
6 22. Outdoor Lighting (§9.5-391, §9.5-392 & §9.5-393): *Compliance to be determined upon*
7 *submittal to Building Department.*

8
9 23. Signs (§9.5-404 & §9.5-405): *In compliance.*

10
11 No signage has been proposed at this time.

12
13 24. Access Standards (§9.5-421 & §9.5-427): *Compliance to be determined upon submittal*
14 *of site plan showing clear site triangles and vehicle maneuverability to the County Traffic*
15 *Consultant and approval by County Engineer.*

16
17 25. Traffic Study (§9.5-426): *Compliance to be determined upon submittal of Level III*
18 *traffic study to the County Traffic Consultant.*

19
20 26. Handicap Accessibility (Chapter 11, Florida Building Code): *Not In compliance.*

21
22 Eleven of the 267 required off-street parking spaces must meet the handicap
23 parking design requirements set forth in Chapter 11 of the Florida Building
24 Code, the Florida Accessibility Code for Building Construction.

25
26 The accessibility code requires that one out of every 25 required spaces be
27 handicap accessible. The site plan by CES indicates that only six off-street
28 parking spaces will be handicap accessible.

29
30 *Major Issues of concern with the application:*

31
32 A. **Density.** As proposed, the redevelopment would lead to the site exceeding its
33 allowed development potential by 30.62 percent.

34
35 The Applicant is awaiting the approval and adoption of a text amendment that could
36 exempt the floor area of the boat barns from density calculations and thereby bring
37 the subject property into compliance. The text amendment was approved by the
38 Board of County Commissioners under Ordinance 037-2006 at the October 2006
39 meeting. The Ordinance was submitted to the Department of Community Affairs on
40 November 7, 2006. The appeal period for this Ordinance ends approximately
41 December 26, 2006. Staff expects to be able to apply this new standard by January
42 2007.

43
44 B. **Parking.** As proposed, the redevelopment would be 88 spaces short of the 265 off-
45 street parking spaces required, or 33 percent.

Pursuant to MCC Sec. 9.5-352(i)(4), the Director of Planning may reduce the required parking based on an approved parking demand study. The methodology for conducting the study shall be submitted for review and approval by the county and shall include, but not be limited to, the week and the day the study will be conducted, the number of days and duration of the study, and the time intervals and locations for data collection. Otherwise, since the reduction in off-street parking would be greater than 20 percent, pursuant to MCC Sections 9.5-523 and 9.5-524, the Applicant must have a variance approved by the Planning Commission.

C. **Requirement of a Level III Traffic Study.** The County Traffic Consultant has requested that the Applicant provide a Level III traffic study to meet the county's traffic impact reporting requirements and a site plan showing clear site triangles and vehicle maneuverability. The requested Level III traffic study's findings must be approved by the County Traffic Consultant prior to any approval.

D. **NROGO.** The Applicant is proposing to construct 151,874 ft² of nonresidential floor area. As of the date of this report, boat barns are considered a light industrial use and are currently subject to the NROGO.

The Applicant is awaiting the approval and adoption of a text amendment that exempt the floor area of some boat barns from the NROGO allocation system.

In addition, there is existing nonresidential floor area on the property. Density permitting, the amount of existing nonresidential floor area found to be lawfully-established may be rebuilt without going through the NROGO allocation system. Any additional nonresidential floor area required will have to be acquired and allocated through the NROGO allocation system.

As a note, pursuant to MCC Sec. 9.5-124.4, the maximum amount of nonresidential floor area to be allocated shall be limited to a maximum of 2,500 ft² for any one site, except for sites designated for nonresidential development in a community master plan.

E. **ROGO.** The Applicant is proposing to construct seven residential dwelling units and preserve 50 wet slips for live-aboard vessels.

There are existing market-rate dwelling units and live-aboard vessels on the property. Density permitting, the number of existing dwelling units found to be lawfully-established may be rebuilt and the number of live-aboard vessels found to be lawfully-established may be replaced without going through the ROGO allocation system. Any additional dwelling units shall be acquired and allocated through the ROGO allocation system.

F. **Expansion of Wet Slips.** The Applicant is proposing to have 100 wet slips. Currently, there are 55 existing wet slips on the site. Approval from the Florida

1 The Applicant has requested a letter of coordination from the South Florida
2 Water Management District.

- 3
4 12. Wastewater Treatment Criteria (§9.5-294): *Compliance to be determined by Florida*
5 *Department of Health.*

6
7 The Applicant has requested a letter of coordination from the Florida
8 Department of Health.

- 9
10 13. Fencing (§9.5-309): *In compliance.*

11
12 No fencing has been proposed at this time.

- 13
14 14. Floodplain Management (§9.5-316 & §9.5-317): *Compliance to be determined upon*
15 *submittal to Building Department.*

16
17 All new structures must be built to standards that meet or exceed those of the
18 MCC for flood protection. New construction of any nonresidential structure
19 within an AE flood zone shall have the lowest floor elevated to or above base
20 flood level, or, together with attendant utility and sanitary facilities, be designed
21 so that below the base flood level the structure is water-tight.

- 22
23 15. Energy Conservation Standards (§9.5-326): *In compliance.*

24
25 The Applicant's redevelopment proposal includes the installation of native
26 plants, which would reduce the requirements for water and maintenance; the
27 installation of native shade trees, which would provide shade for plaza and
28 parking areas; the provision of structural shading, which would provide shade
29 for porch, balcony and plaza areas; the provision of private porches and patios
30 for the residential units; and the utilization of building materials based upon
31 energy efficient ratings.

32
33 In addition, the proposed redevelopment shall meet the required open space
34 standards, which may result in reduced coverage by asphalt, concrete and rock.

- 35
36 16. Potable Water Conservation Standards (§9.5-327): *Compliance to be determined*
37 *upon submittal to Building Department.*

- 38
39 17. Shoreline Setback (§9.5-349): *In compliance.*

- 40
41 18. Required Parking (§9.5-352): *Not in compliance.*

42
43 The Applicant's redevelopment proposal would be subject to the following off-
44 street parking requirements:
45

1 Department of Environmental Protection and other pertinent agencies may be
2 required for reconfiguration and expansion.
3

- 4 **G. Marine Facilities and Working Waterfront, Interim Development Ordinance.** The
5 Interim Development Ordinance directs Staff to defer the acceptance of certain
6 development applications for the redevelopment of marine facilities and working
7 waterfront at this time. As of the date of this report, Staff has found no evidence that
8 indicates that the proposed redevelopment should be affected by the Interim
9 Development Ordinance.
10

11 **VI RECOMMENDED ACTION:**
12

13 Staff has proposed that the following conditions be attached to the granting of major
14 conditional use approval:
15

- 16 A. The requests of the County Traffic Consultant shall be met, including the provision
17 of 1) a Level III traffic study to meet the county's traffic impact reporting
18 requirements and 2) a site plan showing clear site triangles and vehicle
19 maneuverability.
20
- 21 B. The requests of the County Biologist shall be met, including the provision of 1) a
22 complete landscape plan detailing buffer areas as well as parking lot landscaping
23 areas, with the supporting calculations and plant lists.
24
- 25 C. The requests of Staff shall be met, including the provision of 1) a revised site plan
26 that provides a total of how much land area will be developed, including all paved
27 areas, with the supporting calculations.
28
- 29 D. In accordance with the proposed text amendment, the boat barns may only be used
30 for the storage of boats and associated equipments. Retail sales will only be allowed
31 if a NROGO allocation is received and the floor area ratio and density permits the
32 addition of commercial retail floor area.
33
- 34 E. The two required affordable housing units, pursuant to the requirements of MCC
35 Sec. 9.5-266, shall be built either before or simultaneously with the three proposed
36 market-rate units.
37
- 38 F. Prior to submittal to the Planning Commission, the proposed redevelopment must
39 receive the necessary approvals from the County Traffic Consultant.
40
- 41 G. Prior to submittal to the Planning Commission, the density on site shall not exceed
42 100 percent.
43

- 1 H. Prior to submittal to the Planning Commission, the required off-street parking
2 standards shall be met or reduced by the Director of Planning & Environmental
3 Resources or Planning Commission.
4
5 I. Prior to submittal to the Planning Commission, the proposed redevelopment must
6 meet the design requirements set forth in Chapter 11 of the Florida Building Code,
7 the Florida Accessibility Code for Building Construction.
8
9 J. Prior to the issuance of a Building Permit, additional residential units must be
10 acquired and allocated through the ROGO allocation system.
11
12 K. Prior to the issuance of a Building Permit, additional nonresidential floor area must
13 be acquired and allocated through the NROGO allocation system.
14
15 L. Prior to the issuance of a Building Permit, the site plans shall be determined to be in
16 compliance by the following departments: the County Engineer shall determine
17 compliance with MCC Sec. 9.5-293, the Florida Department of Health shall
18 determine compliance with MCC Sec. 9.5-294 and the Fire Marshal shall determine
19 compliance with MCC Sec. 9.5-69.
20
21 M. Prior to the issuance of a Building Permit, the floodplain management standards
22 shall be met.
23
24 N. Prior to the issuance of a Building Permit, the outdoor lighting and applicable
25 AICUZ standards shall be met.
26

27 VII RECOMMENDATIONS:
28

- 29 A. Staff recommends APPROVAL to the Development Review Committee if all the
30 above conditions are met.
31 B. Development Review Committee Recommendation to the Director of Planning &
32 Environmental Resources: To be determined at the December 5, 2006 meeting.
33

34 VIII PLANS REVIEWED:
35

- 36 A. Current and past Monroe County Property Appraiser Property Record Cards;
37 B. Site Plan (CSP-1) by Consulting Engineering and Science (CES), dated Aug. 17, 2006;
38 C. Conceptual Utility Plan (CSP-2) by Consulting Engineering and Science (CES),
39 dated Aug. 17, 2006;
40 D. Building Floor Plans (A2.1, A2.2, A2.3, A2.4, A2.5 & A2.6) by Fisher and Associates,
41 dated July 5, 2006 and July 20, 2006;
42 E. Building Elevations (A4.1, A4.2, A4.3) by Fisher and Associates, dated July 5, 2006
43 and July 20, 2006;
44 F. Landscape Plan and Plant List by Carl P. Gilley, not dated;
45 G. Unsealed Boundary Survey by Frederick H. Hildebrandt, dated Oct. 28, 2005